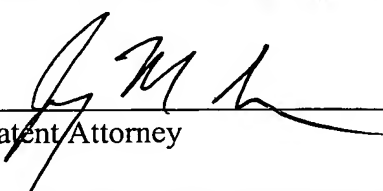


Tfw

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ELECTION UNDER
35 USC §121
Docket No. MA-20CCCD4
Serial No. 10/633,023




Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Gabriele E. Bugaisky
Art Unit : 1656
Applicant(s) : H. Ernest Schnepf, George E. Schwab, Jewel Payne, Kenneth E. Narva,
Luis Foncerrada
Serial No. : 10/633,023
Filed : July 31, 2003
For : Nematicidal Proteins

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT AND
ELECTION UNDER 35 USC §121

Sir:

In response to the Restriction Requirement dated February 17, 2006, election is hereby made as discussed below in the Remarks section. Please amend the claims as follows: